

12.115 HANDLING WILD/EXOTIC ANIMALS, PIT BULLS, DANGEROUS/VICIOUS DOGS, AND ANIMAL REPORTS

References:

Cincinnati Municipal Code 701-1 – Animals, Birds, Fowl
 Procedure 12.225 - Vehicular Crash Reporting
 Procedure 12.550 - Discharging of Firearms by Police Personnel
 Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage, and Release
 Ohio Revised Code 1533.121 - Deer Killed by a Motor Vehicle

Definitions:

Pit bull - a Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog that contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier, as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

A pit bull by City ordinance is defined as a vicious dog.

Vicious dog - any dog which, without provocation, has inflicted severe injury on a person **or** has been trained for dog fighting **or** is kept primarily or in part for the purpose of dog fighting **or** is a dog commonly defined as a pit bull **or** has been used in the commission of a crime.

Dangerous dog - any dog which has, without provocation, while off the owner/harbinger's premises, caused an individual to reasonably believe the dog will cause physical harm to a person **or** a propensity or disposition to unprovoked attack or cause injury to humans or domestic animals off the owner/harbinger's premises.

Severe injury - any physical injury to a human being that results in a broken bone or muscle tear requiring corrective or cosmetic surgery **or** resulting in hospitalization **or** any injury to a child under the age of six years of age requiring treatment by a licensed physician.

Wild or potentially dangerous animal - one which is wild by nature and not customarily domesticated in the City of Cincinnati and which, because of its size, disposition, or other characteristics inherently constitutes a danger to human life or property.

Purpose:

To ensure the citizens of the community an environment where the quality of life is not threatened by uncontrolled dangerous or vicious dogs, while protecting the individual rights of dog owners.

To establish a procedure in handling wild/exotic animals, vicious dogs, dangerous dogs and animal reports to ensure the protection of the public and follow-up by the Board of Health.

Policy:

Department members will exhaust every reasonable means before using firearms to dispose of vicious dogs, dangerous dogs, or wild and potentially dangerous animals as defined in Cincinnati Municipal Code (CMC) Sections 701-1-D1, 701-1-V or 701-42. Use of the firearm should always involve consideration for the safety of bystanders.

Information:

A ban on pit bulls was reinstated on November 1, 2003. Only pit bulls registered with the Cincinnati Police Department before November 1, 2003 will be allowed to remain in the City of Cincinnati. Owner/harbinger's of registered pit bulls, or other dogs determined to be dangerous/vicious, must re-register these dogs annually with the Cincinnati Police Department.

Procedure:

A. Registration of Vicious and Dangerous Dogs/Re-Registration of Pit Bulls

1. Department desk personnel will ensure a Form 15D, Dangerous/Vicious Dog Registration and a Form 15DE, Vicious Dog/Pit Bull Registration Envelope, is completed when a citizen responds to the district to register a vicious or dangerous dog, or re-register a pit bull. The registering officer is responsible for accurate recording of the required information on the Forms 15D and 15DE.
 - a. Department desk personnel will give the citizen registering the dog a copy of the Form 15D upon completion of the registration process. Upon completion of the registration process, the registering officer will provide the citizen with a copy of the Form 15D.
 - b. The completed Form 15D and the required documentation will be placed inside the Form 15DE. The completed packet will be hand carried to the Records Section by 0900 hours the following business day.
 - 1) Records Section personnel will send the information contained in the completed packet to Information Technology Management Unit (ITMU). The information will be placed on the Intranet to be accessed by Department personnel.

B. Process for the Impoundment of Dangerous/Vicious Dogs and Pit Bulls

1. Any dog determined to be a dangerous/vicious dog as defined by CMC Sections 701-1-D1, 701-1-V, or is an unregistered pit bull, will be impounded.

- a. Contact the Society for the Prevention of Cruelty to Animals (SPCA) for identification of a pit bull.
 - 1) The SPCA has final authority on identification of a pit bull.
 - 2) Verify whether the dog has been registered with the Police Department.
2. If the owner/harbinger of the animal is present when investigating a complaint, obtain the property owner's consent to enter the premises.
 - a. If the property owner refuses, and there is probable cause to believe a dangerous/vicious dog or unregistered pit bull is on the premises, obtain a search warrant to enter the premises and impound the dog.
3. Notify the owner/harbinger of a dog being impounded using a Form 15DIH, Notice of Impoundment and Hearing.
 - a. The administrative hearing will be scheduled for the first business day seven days after the date of the impoundment. The hearing will be scheduled for 1300 hours at the Office of Administrative Hearings (OAH).
 - b. If the owner/harbinger is not present, the ordinance requires they must be notified of the administrative hearing date, time and location within 3 days after a dog is impounded.
4. The SPCA will board dangerous/vicious dogs and unregistered pit bulls prior to any administrative and/or court hearings.
 - a. Arrange for transportation of the dog(s) by contacting the SPCA.
 - b. Officers will receive a kennel tag number from the SPCA representative. The SPCA kennel tag number must be written on the Form 15DIH.
5. Fax a copy of the Form 15DIH to the following locations:
 - a. Planning Section
 - b. Court Property Unit
 - c. Office of Administrative Hearings (352-4898)
6. The owner/harbinger may waive their right to an administrative hearing and request an immediate citation to the Hamilton County Municipal Court.
 - a. Complete a Form 15DIH and have the owner/harbinger sign indicating a waiver of the administrative hearing.

- b. Cite the owner/harbinger of dangerous/vicious dogs or pit bulls using CMC sections 701-4, 701-5, 701-6, 701-7, 701-8 or 701-9 depending on the nature of the complaint.
 - c. Inform the owner/harbinger of an impounded dog that failure to appear in court may result in forfeiture of their dog. The officer **must** place the following statement on the citation, “**Failure to appear on this citation may result in forfeiture of the animal(s) confiscated**”.
 - 1) Cite to court on the fifth court date from the day the citation is written.
 - 2) The SPCA kennel tag number must be written on the Form 314, Notice to Appear (NTA).
- 7. Take three photographs of the officer with the dangerous/vicious dog or pit bull whenever possible; otherwise, take three photographs of the dog by itself.
 - a. Attempt to include the entire body of the dog in each of the photographs.
 - b. Distribute the photographs as follows:
 - 1) One to the SPCA.
 - 2) One to the Court Property Unit.
 - 3) One for the administrative hearing case jacket.
- 8. Complete a Form 330, Property Receipt, for any impounded dog.
 - a. The SPCA should receive the yellow copy of the Form 330 and a photograph prior to leaving the scene. The SPCA will not take possession of a dog without a completed Form 330.
 - b. Forward the remaining copies of the Form 330, a photograph of the dog, and a copy of the Form 15DIH or Form 314 to the Court Property Unit.
 - c. Once the Form 330 is completed, the officer will comply with Procedure 12.715, Property and Evidence: Accountability, Processing, Storage, and Release.
 - 1) Court Property Unit must perform a bi-monthly audit of animals held at the SPCA to ensure they are disposed of upon completion of the administrative hearing and or court proceedings.
 - 2) Individuals who are awarded the return of their dog(s) will have 72 hours to pick up their dog(s) from the SPCA. Failure to respond will result in the forfeiture of the dog(s).

9. Prepare an administrative hearing case jacket for each incident when a dog has been impounded.
 - a. Case jackets will include a copy of the Form 15DIH; a copy of the Form 314, if applicable; a photograph of the dog(s); a copy of the Form 330; a copy of the Form 316, Minor Accident/Aided Case/Mental Health Response Report, if applicable; and any other related reports.
 - b. A relief supervisor will review the completed case jacket. Reporting officers will make necessary corrections prior to securing from their shift. Approved jackets will be routed to the Neighborhood Supervisor.
- C. Responsibilities of the Neighborhood Supervisor
1. Review the administrative hearing case jackets for accuracy.
 2. Schedule an on-duty officer to present the case at the administrative hearing.
 3. If the hearing officer determines the dog is dangerous or vicious, ensure the attending officer cites the owner/harbinger of the dog to Municipal Court on a Form 314.
 4. If the dog is determined to be dangerous or vicious and the owner/harbinger of the dog failed to appear at the administrative hearing, ensure the attending officer immediately files the appropriate criminal complaint.
 - a. Assign an officer to follow up on the open warrant for those individuals not appearing at the administrative hearing.
- D. Responsibility of the Officer Attending the Administrative Hearing
1. If the owner/harbinger is present at the administrative hearing and the hearing officer determines the dog is vicious or dangerous, immediately cite the individual to Municipal Court on a Form 314. The officer **must** place the following statement on the citation, **“Failure to appear on this citation may result in forfeiture of the animal(s) confiscated”**.
 - a. Cite to court on the fifth court date from the date of the administrative hearing. Refer to the 15DIH for the appropriate section and offense description.

- b. Write the kennel tag number on the citation (obtained from the 15DIH). Include the investigating officer's name as needed for court.
 - c. Notify the Court Property Unit of the outcome of the administrative hearing and forward them a copy of the citation.
 - 2. If the owner/harbinger is not present at the administrative hearing and the hearing officer determines the dog is vicious or dangerous, the attending officer will file a criminal complaint in Municipal Court against the individual named on the Form 15DIH. Refer to the Form 15DIH for the appropriate section number and description of the offense.
 - a. Ensure the investigating officer is listed for court.
 - b. Notify the Court Property Unit of the result of the hearing.
- E. Officer Tactics When Confronted by Dangerous/Vicious Dogs
 - 1. When confronting a dangerous or vicious dog which threatens bodily injury to the officer or citizen:
 - a. Exhaust all reasonable means to confine the dog.
 - b. Notify the SPCA to pick up the dog.
 - c. The use of department issued chemical irritant or the X26 Taser is effective on many animals.
 - d. When use of the firearm is absolutely necessary, avoid shooting the dog in the head.
 - 1) Once the firearm is discharged, the officer will comply with Procedure 12.550, Discharging of Firearms by Police Personnel.
 - a) Obtain the name and address of the owner/harbinger of the dog.
 - b) Obtain the name and address of any witness to the incident.
 - c) Notify the SPCA to pick up the dead dog pending a later examination by the Board of Health.
 - d) Complete a Form 316, if applicable.
- F. Dog Bite Cases
 - 1. Arrange for immediate medical attention.

2. Complete a Form 316.
 - a. Include complete information on the victim, including telephone number.
 - b. Complete the name, address, telephone number, and other pertinent information on the owner/harbinger of the dog.
 - c. Provide a description of the animal, serial number, or inoculation tag, certificate information, microchip number or tattoo number, if applicable.
 - d. If the dog will not be impounded, instruct the owner/harbinger to confine the dog for a 10-day period of observation, and not to have the dog inoculated until after the 10-day observation period. Indicate on the Form 316 this was done.
 - e. In the event the dog is a stray or unidentified, mark the Form 316 "Incomplete." Fill out as much information as possible.
 - 1) If the dog is located, attempt to contain it. Notify the SPCA to respond and pick up the dog for the Board of Health examination.
 - a) Notify the Board of Health of the capture. Indicate same on the Form 316.
3. The reporting officer will issue a Form 314 for a violation of CMC section 701-1-V to the owner/harbinger of the dog following any bite which results in a severe injury as defined in CMC Section 701-1-S.
 - a. Officers will not confiscate the dog unless the dog is a vicious dog, as defined, and has not been registered with the Police Department.
4. The reporting officer will notify the Board of Health by telephone with all information. If the incident occurs after the Board of Health's working hours, the reporting officer will fax the Form 316 to the Board of Health (946-8610). Indicate on the Form 316 the method of notification (e.g., telephone, fax).
 - a. Forward the original Form 316 to the Board of Health through interdepartmental mail.
 - b. File a copy of the Form 316 at the district.
 - c. After completing their investigation, the Board of Health will sign any necessary affidavits for an inoculation violation.
 - 1) Dogs under three months of age need not be inoculated.
5. Report cat bites the same as dog bites.

6. Report wild animal bites the same as dog bites. If captured, hold for the SPCA.

G. Unlicensed Dogs

1. Officers have the discretionary authority to issue a "Warning Citation" to the owner/harbinger of an unlicensed dog.
 - a. Dogs less than 3 months of age or owned fewer than 30 days do not require a license.
 - b. A dog license is valid from January 1st of the current year to January 30th of the following year.
2. The SPCA has provided the Police Department with "Dog License Violation Warning Citations" for "Failure To File Application For Registration Of Dog."
 - a. When a warning citation is issued, the violator is given the pink copy of the three part carbonless form.
 - b. The white copy of the warning is forwarded to the SPCA weekly by the District Collator.
 - c. The yellow copy is retained at the district where the violation occurred.
3. The SPCA will follow up on all warning citations to ensure the owner/harbinger has purchased a current license. The SPCA will assess a fine on a dog owner/harbinger who fails to obtain a valid license.

H. Investigating Wild or Exotic Animal Complaints

1. When encountering a wild or exotic animal, request a supervisor respond to the scene.
 - a. The responding supervisor will ensure he has a shotgun and rifled slugs before responding to the scene.
 - 1) When use of the firearm is absolutely necessary (the animal poses an immediate threat to safety of the community), the weapon of choice for large animals is the shotgun with rifled slugs.
 - b. The responding supervisor will immediately notify the District Commander, Night Chief or Duty Officer of the encounter and outcome.
2. Notify the SPCA. The SPCA has the necessary equipment and resources to capture wild or exotic animals.
3. Once the firearm is discharged, the officer will comply with Procedure 12.550.

- a. Obtain the name and address of the owner/harbinger of the animal.
 - b. Obtain the name and address of any witness to the incident.
 - c. Photograph the animal before removal for possible court proceedings.
- 4. If the owner/harbinger of the animal is present when investigating a complaint, obtain the property owner's consent to enter the premises.
 - a. If the property owner refuses, and there is probable cause to believe a wild or exotic animal is on the premises, obtain a search warrant to enter the premises and confiscate the animal.
 - b. Notify the SPCA and have them respond when serving a search warrant. They have the necessary equipment to capture the animal.
 - 1) Advise the owner/harbinger the animal may have to be tranquilized with a dart gun.
 - c. If the owner/harbinger voluntarily gives up the animal and wishes to transfer it to the SPCA's cage at the scene, advise the owner/harbinger of the possibility of using lethal force against the animal if control is lost.
 - 1) The SPCA must approve transfer of a non-tranquilized animal.
- 5. Once captured, photograph the animal for court proceedings.
- 6. When citing the owner/harbinger, use CMC 701-42.
- I. Dead Animals
 - 1. When a citizen reports a dog or other animal has been killed or found dead, the officer will notify the Board of Health. The Board of Health will determine if the animal is wanted for any previous incident involving a dog or animal bite.
 - a. If the animal is a deer killed by a motor vehicle, follow Procedure 12.225, Vehicular Crash Reporting.
 - 2. If the animal is not wanted by the Board of Health, notify Public Services to pick up the remains.